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SIPDIS

SENSITIVE

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SUBJECT: GRP PREPARATIONS FOR THE AUGUST REGIONAL ELECTIONS
IN MINDANAO

REF: A. MANILA 1529

- 1B. MANILA 724
- 1C. MANILA 682
- 1D. MANILA 646

11. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

12. (SBU) Summary: With just over two months to go until the August 8 elections in the Autonomous Region in Muslim Mindanao (ARMM), there are indications that the Commission on Elections (COMELEC) may not be able to implement an automated election as was its plan. The Supreme Court has yet to rule on a COMELEC petition that requests use of electronic counting machines impounded by the Court in January 2004 because of procurement irregularities. A Supreme Court source recently told Acting Polcouns that there was little chance that the Court would allow COMELEC to use the machines, however. COMELEC officials insist that it could still conduct the ARMM election manually. Another possibility is that COMELEC may recommend to Congress that it postpone the election. Through a grant to the International Foundation for Elections Systems (IFES), the USG is helping COMELEC and NGOs prepare for possible ARMM election scenarios, as well as longer-term electoral reform. In light of the controversial May 2004 election, the GRP and COMELEC are eager to use the ARMM election to show that improvements have been made in the electoral system. So far, however, the jury is still out as to whether the GRP will succeed in running a successful election. (Septel will review the political horse race under way in the ARMM and the potential impact of the elections on the peace process.) End Summary.

COMELEC Preparations

13. (U) COMELEC, the independent GRP electoral body, is currently preparing for the August 8, 2005, elections in the ARMM. (Note: ARMM voters will elect a governor, vice-governor, and representatives to the 24-member Regional Legislative Assembly. The last ARMM elections were held in November 2001.) COMELEC had planned to use the ARMM elections as a test case to automate voter registration, the vote count, and the transmission of voting results, with an eye toward nationwide automation for the 2007 mid-term elections. Between January and March 2005, COMELEC registered thousands of new voters for a new total of 1.3 million voters in the ARMM using a new computerized biometric registration process. The new system enabled COMELEC to weed out more than 100,000 duplicate registrants.

14. (SBU) COMELEC, however, still faces a significant legal barrier in trying to automate vote counting for the ARMM and future elections. Although COMELEC purchased 1,991 vote counting machines in April 2003, the Supreme Court in January 2004 invalidated the contract awarded to Mega Pacific Solutions, a South Korean firm. The Court found that COMELEC did not follow the law nor its own bidding regulations in letting the contract and noted "glaring (technical) deficiencies" with the machines that might compromise vote-counting security. The issue remains at an impasse, with the Supreme Court insisting that COMELEC return the machines, and Mega Pacific refusing to take them back for a refund. In December 2004, COMELEC petitioned the Supreme Court, requesting permission to use between 200 and 300 of the machines for the ARMM elections. While the Court has yet to make a ruling, a Court source told Acting Polcouns on May 16 that there was little chance the Court would release the impounded machines.

15. (SBU) A negative Supreme Court decision would represent a setback to COMELEC's automation plan, but COMELEC insists that it still would be able to conduct the ARMM election manually. "With two months to prepare, we can handle a manual election," Commissioner Rex Borra said in a May 16 meeting with poloff. However, Borra added that COMELEC was also considering the possibility of recommending to Congress

that it postpone the ARMM elections if the Supreme Court denies COMELEC's petition. Borra reported to poloff that COMELEC must decide by June 1 whether the elections will be automated or manual in order to make adequate preparations for either scenario.

¶6. (SBU) In early May 2005, Mission also sought to facilitate contacts between the GRP and Election Systems and Software (ES&S), a U.S.-based company that deals in election software and equipment. The referral came in response to the Philippine government's expression of interest in leasing or buying voting machines should the Supreme Court deny COMELEC the use of the impounded machines. Sources in Malacanang indicated to poloff on May 17 that the government is not inclined to pursue the ES&S option, however.

¶7. (SBU) The View from Mindanao: Poloff and DRL officer visited Zamboanga City in Mindanao on May 10. Attorney Helen Flores, COMELEC Regional Director, told poloff that COMELEC headquarters in Manila was, at present, exercising tight control over preparations for the election. She added that COMELEC's local staff in the ARMM was now minimal and that the COMELEC headquarters planned to send additional personnel only shortly before the election is held. COMELEC will cover the ARMM elections from three main offices in Mindanao, specifically Zamboanga City (for the island provinces of Basilan, Sulu and Tawi Tawi), Iligan (for Lanao del Sur), and Cotabato City (for Maguindanao). (Note: FYI -- Zamboanga, Cotabato City, and Iligan are not part of the ARMM, though they serve as entrepots for commercial and governmental activities in the region.) On May 16, COMELEC commissioners Borra and Garcillano indicated to poloff that the commissioners had not agreed on assignments for covering the election, but that they would divide up responsibilities soon. A likely scenario, according to Borra, is that five of COMELEC's seven commissioners will each cover one of the ARMM's five provinces, one will handle media relations, and Chairman Benjamin Abalos will coordinate the entire effort.

Civil Society Preparations

¶8. (U) At least two civil society organizations -- the Consortium on Election Reforms (CER) and the Parish Pastoral Council for Responsible Voting (PPCRV) -- are working in the ARMM to conduct voter education drives, and possibly election monitoring, for the vote on August 8. Both are umbrella groups, representing networks of other non-governmental organizations (NGOs), and in PPCRV's case, local dioceses of the Catholic Church. In coordination with COMELEC and PPCRV, CER will hold a conference on voter education in Cotabato City in mid-June, 2005. The conference will bring CER's network together with other local NGOs, PPCRV, and COMELEC. The goal is to forge agreement on a voter education strategy, divide geographic areas of responsibility, and conduct training for the voter education drive. IFES -- which is supporting the CER voter education drive under its USAID grant -- told poloff that PPCRV and its network will likely be able to cover effectively areas of the ARMM where Christians reside in large numbers, leaving CER to concentrate on Muslim areas. (Note: Muslims represent a large majority of the population of the ARMM; the rest of the population is Christian.) IFES, CER and PPCRV say voter education will relay basic information on how the election will be conducted. It will also inform voters of their duty to vote responsibly and the importance of elections to democracy.

USG Assistance

¶9. (SBU) Through USAID's grant to IFES, the USG has also supported an information technology review of COMELEC's modernization program. The review, which IFES carried out from May 4-13, also presented COMELEC with options and recommendations for the conduct of the ARMM elections. IFES consultants remarked that some of COMELEC's preparations would improve the ARMM elections' conduct, regardless of whether the elections are automated or manual. Two of the most important improvements, according to IFES, include COMELEC's cleansing of the voters' list through its biometric registration and its decision to use a new ballot. The new ballot eliminates the old format where voters had to write in the name of their candidates. (Note: Write-in ballots have been more vulnerable to misinterpretation and fraud in past elections.) COMELEC will be able to use the ballot in either a manual or automated election scenario.

¶10. (U) Mission also plans to send teams to observe the elections. Mission is also looking into the possibility of supporting independent election observation teams through such organizations as the National Democratic Institute and the International Republican Institute.

Comment

11. (SBU) In light of the controversial May 2004 election, which was marred by charges of fraud, inaccurate voter lists, and tabulation delays, the GRP and COMELEC are eager to use the ARMM election to show that improvements have been made in the electoral system. So far, however, the jury is still out as to whether the GRP will succeed in running a successful election. While automation would help, it is not necessarily a prerequisite for a successful election. However, COMELEC -- which has been stung by past charges of inefficiency and corruption -- clearly has to get ready to implement a plan providing for manual balloting given that it seems increasingly unlikely that automated machines will be available. In light of the degree of confusion, there seems an outside chance that the elections might be further postponed, though this is not an option the GRP would prefer.

(Note: The elections were already postponed once from their original date of November 2004 to August of this year.) The good news is that USG assistance is helping COMELEC prioritize its efforts. Moreover, the USG-assisted voter education effort appears to be moving forward in positive fashion thanks to the efforts of key NGOs. Mission continues to urge GRP interlocutors to focus on making the ARMM elections a successful model that can be replicated in future elections.

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